

REMARKS

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

PENDING CLAIMS

Claims 1, 4 and 5 were pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is present interested. At entry of this paper, Claims 1 and 4-8 will be pending for further consideration and examination in the application.

'101 REJECTION

Claim 5 has been rejected under 35 USC 101, with an allegation that such claimed invention does not produce a tangible result. Traversal is appropriate because Applicant's original claim produced a tangible result "of recording a first recording time at which the still picture data in said still picture group was recorded first and a last recording time at which the still picture data in said still picture group was recorded last." Applicant's present clarified claims further recites "enabling the computer to accept entry of a predetermined time, and to selectively play back the still picture data belonging to said still picture group satisfying a condition in which said predetermined time is equal to or later than said first recording time and equal to

or earlier than said last recording time.” Based upon the foregoing, reconsideration and withdrawal of the '101 rejection are respectfully requested.

“PROVISIONAL” DOUBLE-PATENTING

It is respectfully noted that the present double-patenting rejection is only a “provisional” double-patenting rejection. As a result, Applicant respectfully submits a traversal, but refrains from commenting further on a substance of the rejection at this time, until an actual double-patenting rejection is made.

EARLIEST-FILED “PROVISIONALLY-REJECTED” APPLICATION

It is respectfully noted that this is the earliest-filed application of the applications involved in the present “provisional” double-patenting rejection. MPEP 804 (in relevant part) states that: “If a “provisional” nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer.” Withdrawal of the “provisional” double-patenting rejection, and allowance of the present (earliest-filed) application, are respectfully requested.

REJECTION UNDER 35 USC '102

The 35 USC '102 rejection of claims 1, 4 and 5 as being anticipated by Saeki et al. (U.S. Patent 6,078,727) is respectfully traversed. All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated hereat by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following.

In order to properly support a '102 anticipatory-type rejection, any applied art reference must disclose each and every limitation of any rejected claim. The applied art does not adequately support a '102 anticipatory-type rejection because, at minimum, such applied art does not disclose (or suggest) the following discussed limitations of Applicant's claims.

Applicant's disclosed and claimed invention are directed toward embodiments using "still picture group management information" and "still picture data", i.e., non-movie still picture group management information and non-movie still picture data. Saeki et al. does not support the 102 anticipatory-type rejection because Saeki et al. pertains to movie (not still) video objects. While Office Action comments point to Saeki et al. cols. 11-12 disclosure, it is respectfully noted that Saeki et al.'s disclosure relates to movie video objects.

In addition to the foregoing, the following additional remarks from Applicant's foreign representative are also submitted in support of traversal of the rejection and patentability of Applicant's claims.

The Examiner has stated that Saeki et al teaches a method for playing back a storage medium storing still picture group management information for managing still picture data. Applicant respectfully cannot agree to the Examiner's opinion. More particularly, Saeki et al is silent on the still picture image data. The Video Objects (VOBs) recorded in Saeki et al's optical disc are moving image data such as a movie or a TV program. See column 5, line 67 to column 6, line 2, and column 11, line 40 to column 12, line 17. Saeki et al does not concern the recording of still picture image data and the management information for the still picture image data in a recording medium. The term "still picture" or any other terms similar to still picture image, do not appear anywhere within the specification of Saeki et al. Instead, the VOB (moving image data) is recorded in an optical disc in one consecutive recording as stated in column 5, lines 65-68 of Saeki et al., and the VOBs (moving image data) are always recorded in chronological sequence. However, still picture images are not always recorded in one consecutive recording in a chronological sequence. To summarize, the kinds of recorded and handled data between the present invention and Saeki et al., are completely different from each other.

As a result of all of the foregoing, it is respectfully submitted that the applied art would not support a '102 anticipatory-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such '102 rejection, and express written allowance of all of the '102 rejected claims, are respectfully requested. Further, at this point, it is respectfully submitted as a reminder that, if new art is now cited against any of Applicant's unamended claims, then it would not be proper to make a next action final.

EXAMINER INVITED TO TELEPHONE

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

RESERVATION OF RIGHTS

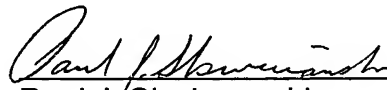
It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

To the extent necessary, applicant's petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (500.37453CX2) and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Paul J. Skwierawski", is written over a horizontal line.

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